

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Newport News DIVISION

UNITED STATES OF AMERICA)	
)	
v.	)	CRIMINAL NO. 4:02cr_____
)	
MARIO ANTHONY TYNES)	
a/k/a "Rio"	)	21 U.S.C. § 841(a)(1)
	)	Distribution of cocaine base
	)	(Counts 1-4)
)	
	)	18 U. S. C. § 924(c)(1)
	)	Use, carry and possess firearm
	)	in furtherance of drug
	)	trafficking crime
	)	(Count 5)
)	
	)	18 U. S. C. § 922(g)(1)
	)	Felon in possession of firearm
	)	(Count 6)
)	
	)	21 U. S. C. § 853(a)
	)	Forfeiture

INDICTMENT

March, 2002 Term - At Newport News, Virginia

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about November 28, 2001, in Newport News, Virginia, within the Eastern District of Virginia, MARIO ANTHONY TYNES, a/k/a "Rio," did unlawfully, knowingly and intentionally distribute approximately 4.844 grams of a mixture and substance containing a detectable amount of cocaine base, a/k/a "crack," a Schedule II narcotic controlled substance.

(In violation of Title 21, United States Code, § 841(a)(1) and (b)(1)(B)).

COUNT TWO

THE GRAND JURY CHARGES THAT:

On or about December 3, 2001, in Newport News, Virginia, within the Eastern District of Virginia, MARIO ANTHONY TYNES, a/k/a "Rio," did unlawfully, knowingly and intentionally distribute approximately 13.546 grams of a mixture and substance containing a detectable amount of cocaine base, a/k/a "crack," a Schedule II narcotic controlled substance.

(In violation of Title 21, United States Code, § 841(a)(1) and (b)(1)(B)).

COUNT THREE

THE GRAND JURY CHARGES THAT:

On or about January 15, 2002, in Newport News, Virginia, within the Eastern District of Virginia, MARIO ANTHONY TYNES, a/k/a "Rio," did unlawfully, knowingly and intentionally distribute approximately 11.269 grams of a mixture and substance containing a detectable amount of cocaine base, a/k/a "crack," a Schedule II narcotic controlled substance.

(In violation of Title 21, United States Code, § 841(a)(1) and (b)(1)(B)).

COUNT FOUR

THE GRAND JURY CHARGES THAT:

On or about January 26, 2002, in Newport News, Virginia, within the Eastern District of Virginia, MARIO ANTHONY TYNES, a/k/a "Rio," did unlawfully, knowingly and intentionally distribute approximately 11.8 grams of a mixture and substance containing a detectable amount of cocaine base, a/k/a "crack," a Schedule II narcotic controlled substance.

(In violation of Title 21, United States Code, § 841(a)(1) and (b)(1)(B)).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 26, 2002, in Newport News, Virginia, within the Eastern District of Virginia, MARIO ANTHONY TYNES, a/k/a "Rio," did unlawfully and knowingly use and carry and possess a firearm, to wit: a semi-automatic pistol, during and in relation to and in the furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, distribution of cocaine base, a/k/a "crack," a Schedule II narcotic controlled substance.

(In violation of Title 18, United States Code, Section 924(c)(1)).

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about January 26, 2002, in Newport News, Virginia, within the Eastern District of Virginia, MARIO ANTHONY TYNES, a/k/a "Rio," having been convicted previously of a crime punishable by imprisonment exceeding one year, did knowingly possess in and affecting interstate and foreign commerce a firearm, to wit: a semi-automatic pistol, which had been shipped and transported in interstate and foreign commerce.

(In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).)

FORFEITURE

The defendant, MARIO ANTHONY TYNES, a/k/a "Rio," if convicted of any violation charged in Counts One through Four of this Indictment, shall forfeit to the United States pursuant to Title 21, United States Code, Section 853(a): (i) any property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as the result of the violation; (ii) any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violation; and, (iii) any of the defendants' interest in, claims against and property and contractual rights of any kind which afforded a source of influence over the continuing criminal enterprise.

If any of the property described as being subject to forfeiture as a result of any act or omission of a defendant --

1. cannot be located upon the exercise of due diligence;
2. has been transferred to, sold to, or deposited with a third person;
3. has been placed beyond the jurisdiction of the Court;
4. has been substantially diminished in value; or
5. has been commingled with other property that cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any

other property of the defendants, up to the value of the property described above, as being subject to forfeiture pursuant to Title 21, United States Code, Section 853(a).

A TRUE BILL:

F O R E P E R S O N

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